HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

W.P.No.16780 of 2005

Dated:01st August, 2005

Between:

1. Penupakala Venkataswami and 5 others

…PETITIONERS

and

The Narasaraopet Municipality,

Rep.by its Commissioner,

Narsaraopet, Guntur District.

…RESPONDENT

HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16780 of 2005

ORDER:

_

This writ petition is filed by the petitioners to direct the respondent not to dispossess the petitioners from the possession of the schedule land.

2. Admittedly, the petitioners filed O.S.No.156 of 1989 on the file of the Principal Junior civil judge, Narsaraopet, for permanent injunction restraining the respondent from interfering with the peaceful possession of the property and the suit was decreed on 24-04-1997. The petitioners also filed E.P.No.96 of 2001 and the same is pending. The respondent filed a counter suit in O.S.No.166 of 2001 for possession and it was dismissed for default on 11-03-2003 and the respondent filed I.A.No.359 of 2005 under Section 5 of the Limitation Act with a delay of 582 days and the same is pending. While the decree passed by the Civil Court is pending, the respondent is making hectic efforts to dispossess the petitioners. Hence, the present writ petition has been filed.

3. Heard both the learned counsel and considered the material on record.

4. The learned counsel for the petitioners submitted that the respondent is taking steps to dispossess the petitioners from the suit schedule property, and therefore, sought for a direction to the respondent not to interfere with the possession and enjoyment of the petitioners.

5. Admittedly, the present petition is filed by the petitioners when the injunction decree has become final and operating against the respondent. Therefore, I see no reason to entertain this writ petition. If the petitioner is so aggrieved against the action of the respondent, he can bring the same to the notice of the Civil Court to pass appropriate orders by way of filing appropriate petition.

6. Accordingly, the writ petition is devoid of merits and the same is

dismissed. No order as to costs.

_____

E.DHARMA RAO, J

01st August, 2005

ISL/SKM